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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,155	02/04/2002	Yoshinobu Shiraiwa	03500.016155	9159
5514	7590	07/27/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/061,155

Applicant(s)

SHIRAIWA, YOSHINOBU

Examiner

Peter K. Huntsinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/02, 4/02, 5/04, 9/04, 11/04, 2/05</u>                                   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Response to Amendment***

2. Based on the applicant's preliminary amendment, the amendments to claims 28 and 35 have been entered.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program claimed is merely a set of instructions per se. Since the computer program is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is not statutory. See MPEP 2106 IV.B.1.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-6, 11, 12, 14-16, 21, 22, 24-26, 31, 32, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato U.S. Patent 6,657,657.

Referring to claims 1, 11, 21, and 31, Sato discloses a camera comprising: detection means for detecting connection with a printer (printer connection detector, col. 2, lines 4-16); and shift means for shifting to a print mode in response to the detection of the printer by said detection means (control mechanism, col. 2, lines 4-16). The photography modes pertain to image data recording modes for printing (col. 1, lines 38-40).

Referring to claims 2, 12, 22, and 32, Sato discloses a camera comprising: detection means for detecting connection with a printer (printer connection detector, col. 2, lines 4-16); and shift means for shifting to a print mode in case of detection of a printer by said detection means (control mechanism, col. 2, lines 4-16) in a reproduction mode (col. 5, lines 16-24). The photography modes pertain to image data recording modes for printing (col. 1, lines 38-40).

Referring to claims 4, 14, 24, and 34, Sato discloses a camera according to claim 2, further comprising means for causing display of a style confirming image in response to the depression of a predetermined button after the shift to said print mode (col. 3, lines 44-48) and causing printing of the image in response to the depression of a predetermined button (Step 121 of Fig. 6, col. 6, lines 52-54). The confirming image

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relates to a resolution of the image, which is a variation in appearance and would be considered a style of the image.

Referring to claims 5, 15, 25, and 35, Sato discloses a camera according to claim 4, further comprising means for executing a change in the style after the display of the style confirming image (Step 213 of Fig. 7, col. 6, lines 4-13).

Referring to claims 6, 16, 26, and 36, Sato discloses a camera according to claim 2, further comprising conversion means for converting an image pickup signal from image pickup means into an image signal (system control circuit 11), recording means for recording, on a recording element (image buffer memory 14), the image signal converted by said conversion means (col. 4, lines 40-53), and display means for displaying an image based on the image signal recorded on said recording element (LCD panel 28 of Fig. 3, col. 3, lines 44-48).

6. Claims 7-10, 17-20, 27-30, and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Luciano et al. U.S. Patent 6,912,060.

Referring to claims 7, 17, 27, and 37, Luciano et al. disclose a printer comprising: identification means for identifying whether there is connected a cable for connection with a device serving as a host or a cable for connection with a device serving as a function (USB hub controller of Fig. 5, col. 7, lines 50-61); and setting means (MUX of Fig. 5, col. 7, lines 56-61) for setting as a host or a function according to the result of identification by said identification means (col. 6, lines 55-65).

Referring to claims 8, 18, 28, and 38, Luciano et al. disclose a printer according to claim 7, further comprising print means, in case of setting as said host, for requesting print data to the connected device and executing printing based on the print data received from the device (col. 8, lines 15-20), and, in case of setting as said function, for receiving a print request from the connected device and executing printing based on the print data received from the device (col. 3, lines 18-24). While it is not explicitly stated, it is inherent that the printer of Luciano et al. informs the device of a print enabled state. A printer receiving print data from a computer needs to receive some indication that data has been received or that the printer is turned on. Without a indication from the printer, the computer would not be able to recognize that a device is connected.

Referring to claims 9, 19, 29, and 39, Luciano et al. disclose a printer according to claim 7, wherein said setting means executes setting as the host in case the connected device is a camera and setting as the function in case the connected device is a computer (col. 6, lines 55-65).

Referring to claims 10, 20, 30, and 40, Luciano et al. disclose a printer according to claim 7, wherein, in case of setting as said host, said print means receives a print request from the connected device, requests print data to the device and executes printing based on the print data received from the device (col. 5, lines 33-40) (col. 8, lines 15-20). Luciano et al. disclose that printing can occur from the printer's control panel (col. 8, lines 15-20), and further that camera can control all the operations of the printer (col. 5, lines 22-40).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 13, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato U.S. Patent 6,657,657 as applied to claim 2 above, and further in view of Toyofuku et al. U.S. Patent 6,377,294.

Referring to claims 3, 13, 23, and 33, Sato discloses a camera further comprising display means (LCD panel 28 of Fig. 3, col. 3, lines 44-48). Sato does not disclose expressly displaying a print mode indicating mark after the shift to print mode. Toyofuku et al. disclose a camera displaying a mark indicating the shift to a mode (Fig. 15, col. 7, lines 21-27, 37-40). Sato and Toyofuku et al. are combinable because they are in the same field of digital cameras. At the time of the invention it would have been obvious to indicate a switch to print mode by displaying a mark. The motivation for doing so would have been to inform the user of the new mode that the camera has entered. Therefore, it would have been obvious to combine Toyofuku et al. with Sato to obtain the invention as specified in claims 3, 13, 23, and 33.

9. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato U.S. Patent 6,657,657 and Luciano et al. U.S. Patent 6,912,060.

Sato discloses a camera comprising: detection means for detecting connection with a printer (printer connection detector, col. 2, lines 4-16); and shift means for shifting to a print mode in response to the detection of the printer by said detection means (control mechanism, col. 2, lines 4-16). The photography modes pertain to image data recording modes for printing (col. 1, lines 38-40). Sato does not disclose expressly a printer that identifies a cable connection. Luciano et al. disclose a printer comprising: identification means for identifying whether there is connected a cable for connection with a device serving as a host or a cable for connection with a device serving as a function (USB hub controller of Fig. 5, col. 7, lines 50-61); and setting means (USB hub controller of Fig. 5) for setting as a host or a function according to the result of identification by said identification means (col. 6, lines 55-65). Sato and Luciano et al. are combinable because they are in the same field of printing systems with digital cameras. At the time of the invention, it would have been obvious to combine the camera of Sato with the photo printer of Luciano et al. The motivation for doing so would have been to be able to select printing images utilizing different resolutions and print utilizing a printer without the need for a computer. Therefore, it would be obvious to combine Luciano et al. with Sato to obtain the invention as specified in claim 41.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PKH



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